

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RADIANCE ALUMINUM FENCE, INC.,

Plaintiff/Counter-Defendant,

v.

Case Number 18-12605

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

MARQUIS METAL MATERIAL, INC.,

Defendant/Counter-Plaintiff.

/

**ORDER GRANTING IN PART DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S  
EXPERT WITNESS, DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE A  
SECOND AMENDED COMPLAINT, AND DENYING PLAINTIFF'S MOTION  
FOR A PRELIMINARY INJUNCTION**

This matter is before the Court on the defendant's motion to strike the plaintiff's expert witness, the plaintiff's motion for leave to file a second amended complaint, and the plaintiff's motion for a preliminary injunction. The Court reviewed the submissions of the parties and heard oral argument on January 14, 2020. At the conclusion of the hearing, the Court announced from the bench its decision to grant in part the defendant's motion to strike the plaintiff's expert witness and deny the plaintiff's motions for leave to file a second amended complaint and for a preliminary injunction.

Accordingly, it is **ORDERED** that the defendant's motion to strike the plaintiff's expert witness (ECF No. 35) is **GRANTED IN PART** for the reasons stated on the record. The plaintiff must provide the defendant with a final expert report **on or before January 24, 2020**.

It is further **ORDERED** that the defendant may conduct a deposition of the plaintiff's expert witness, Thomas Frazee, **on or before March 1, 2020** at the plaintiff's expense.

It is further **ORDERED** that the defendant may produce a supplemental expert report to rebut the plaintiff's expert report **within seven days after Mr. Frazee's deposition**.

It is further **ORDERED** that the plaintiff must pay the defendant's costs and attorney's fees incurred in the motion to strike the expert witness and the defendant may submit an affidavit documenting the attorney's fees and costs associated with bringing that motion.

It is further **ORDERED** that the plaintiff's motion for leave to file a second amended complaint (ECF No. 50) is **DENIED** for the reasons stated on the record.

It is further **ORDERED** that the plaintiff's motion for a preliminary injunction (ECF No. 49) is **DENIED** for the reasons stated on the record.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Date: January 15, 2020

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on January 15, 2020.

s/Susan K. Pinkowski  
SUSAN K. PINKOWSKI